

AMENDED IN SENATE MAY 6, 2009

**SENATE BILL**

**No. 701**

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**Introduced by Senator Correa**  
**(Coauthor: Senator Alquist)**

February 27, 2009

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An act to amend Section 56195.1 of the Education Code, relating to special education.

LEGISLATIVE COUNSEL'S DIGEST

SB 701, as amended, Correa. Special education: local plans.

(1) Existing law requires the governing board of a school district to adopt a local plan individually, in conjunction with one or more school districts, or by joining with the county office of education. Existing law requires that a local plan adopted by a school district in conjunction with one or more school districts include joint powers agreements or other contractual agreements that, among other things, provide for a governance structure and any necessary administrative support to implement the plan.

This bill would require that the governance structure for such an arrangement include one member of the governing board of each participating local educational agency selected by a majority vote of each respective governing board. The bill would authorize the governance structure to include a county superintendent of schools to serve in lieu of a governing board member for a county office of education included in the plan.

By requiring school districts and county offices of education to perform additional duties, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 56195.1 of the Education Code is  
2 amended to read:

3 56195.1. The governing board of a school district shall elect  
4 to do one of the following:

5 (a) If of sufficient size and scope, under standards adopted by  
6 the board, submit to the Superintendent a local plan for the  
7 education of all individuals with exceptional needs residing in the  
8 district in accordance with Chapter 3 (commencing with Section  
9 56205).

10 (b) In conjunction with one or more local educational agencies,  
11 submit to the Superintendent a local plan for the education of  
12 individuals with exceptional needs residing in those school districts  
13 or counties in accordance with Chapter 3 (commencing with  
14 Section 56205). The plan shall include, through joint powers  
15 agreements or other contractual agreements, all of the following:

16 (1) (A) Provision of a governance structure and any necessary  
17 administrative support to implement the plan. The governance  
18 structure to implement the local plan shall include one member of  
19 the governing board of each participating local educational agency  
20 selected by a majority vote of the respective governing board. The  
21 governance structure may include a county superintendent of  
22 schools in lieu of a governing board member for a county office  
23 of education included in the plan.

24 (B) *A special education local plan area shall consider methods*  
25 *to include governing board members from school districts and, as*  
26 *appropriate, the county office of education, within its governance*  
27 *structure in a manner that does not increase the size of the*

1 *structure beyond the level that allows each member to fully*  
2 *participate and the structure to operate efficiently and effectively.*

3 (2) Establishment of a system for determining the responsibility  
4 of participating agencies for the education of each individual with  
5 exceptional needs residing in the special education local plan area.

6 (3) Designation of a responsible local agency or alternative  
7 administrative entity to perform functions such as the receipt and  
8 distribution of funds, provision of administrative support, and  
9 coordination of the implementation of the plan. Any participating  
10 agency may perform any of these services required by the plan.

11 (c) Join with the county office, to submit to the Superintendent  
12 a local plan in accordance with Chapter 3 (commencing with  
13 Section 56205) to ~~assure~~ *ensure* access to special education and  
14 services for all individuals with exceptional needs residing in the  
15 geographic area served by the plan. The county office shall  
16 coordinate the implementation of the plan, unless otherwise  
17 specified in the plan. The plan shall include, through contractual  
18 agreements, all of the following:

19 (1) Establishment of a system for determining the responsibility  
20 of participating agencies for the education of each individual with  
21 exceptional needs residing in the geographical area served by the  
22 plan.

23 (2) Designation of the county office, of a responsible local  
24 agency, or of any other administrative entity to perform functions  
25 such as the receipt and distribution of funds, provision of  
26 administrative support, and coordination of the implementation of  
27 the plan. Any participating agency may perform any of these  
28 services required by the plan.

29 (d) The service area covered by the local plan developed under  
30 subdivision (a), (b), or (c) shall be known as the special education  
31 local plan area.

32 (e) This section does not limit the authority of a county office  
33 and a school district or group of school districts to enter into  
34 contractual agreements for services relating to the education of  
35 individuals with exceptional needs. Except for instructional  
36 personnel service units serving infants, until a special education  
37 local plan area adopts a revised local plan approved pursuant to  
38 Section 56836.03, the county office of education or school district  
39 that reports a unit for funding shall be the agency that employs the  
40 personnel who staff the unit, unless the combined unit rate and

1 support service ratio of the nonemploying agency is equal to or  
2 lower than that of the employing agency and both agencies agree  
3 that the nonemploying agency will report the unit for funding.

4 (f) A charter school that is deemed a local educational agency  
5 for the purposes of special education pursuant to Article 4  
6 (commencing with Section 47640) of Chapter 6 of Part 26.8 shall  
7 participate in an approved local plan pursuant to subdivision (a),  
8 (b), or (c). A charter school may submit written policies and  
9 procedures to the department for approval by the state board, which  
10 establish compliance with the Individuals with Disabilities  
11 Education Act (20 U.S.C. Sec. 1400 et seq.), and implementing  
12 regulations, either individually, pursuant to subdivision (a) or with  
13 other charter schools pursuant to subdivision (b). The state board  
14 shall review these policies and procedures, based on the criteria  
15 established pursuant to Section 56100. Upon approval by the state  
16 board, these written policies and procedures shall become the local  
17 plan.

18 SEC. 2. If the Commission on State Mandates determines that  
19 this act contains costs mandated by the state, reimbursement to  
20 local agencies and school districts for those costs shall be made  
21 pursuant to Part 7 (commencing with Section 17500) of Division  
22 4 of Title 2 of the Government Code.